

1 ILENE J. LASHINSKY (AZ #3073)  
2 United States Trustee  
3 District of Arizona

4 JENNIFER A. GIAIMO (NY #2520005)  
5 Trial Attorney  
6 230 North First Ave., Suite 204  
7 Phoenix, Arizona 85003-1706  
8 Telephone: (602) 682-2600  
9 Facsimile: (602) 514-7270  
10 Email: [Jennifer.A.Giaimo@usdoj.gov](mailto:Jennifer.A.Giaimo@usdoj.gov)

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA

11 In re: ) Chapter 7  
12 )  
13 FARWEST PUMP COMPANY, ) Case No. 4:17-bk-11112-BMW  
14 )  
15 Debtor. ) UNITED STATES TRUSTEE'S REPORT  
16 ) OF UNDISPUTED ELECTION OF  
17 ) CHAPTER 7 TRUSTEE  
18 )  
19 \_\_\_\_\_ )

16 Pursuant to Federal Rule of Bankruptcy Procedure 2003(d), the United  
17 States Trustee for Region 14 (the "UST"), hereby respectfully submits this report of  
18 the election of Christopher Linscott as Chapter 7 trustee in the above-captioned  
19 bankruptcy case of Farwest Pump Company ("Debtor").  
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21 The Debtor filed its voluntary Chapter 11 petition on September 20, 2017.  
22 The Official Committee of Unsecured Creditors ("UCC") filed a motion to convert  
23 this case from Chapter 11 to Chapter 7 on October 15, 2020. *See Docket Entry #782.*  
24 That motion was granted and the case was converted to Chapter 7 on November 4,  
25 2020. *See Docket Entry #798.* Trudy A. Nowak was promptly appointed as *interim*  
26 trustee pursuant to 11 U.S.C. ("Bankruptcy Code") Section 701 ("Trustee Nowak").  
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1           Following conversion of the case, shortly before the Chapter 7 meeting of  
2 creditors was scheduled to take place, three creditors communicated to Trustee  
3 Nowak and the UST that they intended to elect a trustee pursuant to Bankruptcy  
4 Code Section 702. Those creditors, represented by attorney Jeffrey Sklar, are ANC  
5 Orchard, LLC (“ANC”), BMR III, L.P. (“BMR”), and The Morgan Rose Ranch, L.P.  
6 (“Morgan Rose”) (collectively the “Voting Creditors”).

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8           On December 8, 2020, Trustee Nowak called the meeting of creditors  
9 pursuant to Bankruptcy Code Section 341. Counsel for the UST then presided over  
10 the meeting to conduct the requested election pursuant to Bankruptcy Code Section  
11 702. The following individuals were present at the meeting during the election: (1)  
12 Jeffrey Sklar, counsel and proxy for the Voting Creditors; (2) Kasey Nye, counsel for  
13 the Debtor; (3) Channa Vaught, President of the Debtor; (4) Vincent Flaska,  
14 President of creditor Forklift Exchange; (5) John Smith, counsel for the UCC, (6)  
15 Trustee Nowak, and (7) the undersigned counsel for the UST.

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17           At the meeting of creditors, UST’s counsel confirmed that the Voting  
18 Creditors were requesting the election of a trustee pursuant to Bankruptcy Code  
19 Section 702. Pursuant to that statute, only creditors holding allowable, undisputed,  
20 fixed, liquidated, unsecured claims are eligible to vote for a trustee. *See* 11 U.S.C. §  
21 702(a)(1). Federal Rule of Bankruptcy Procedure 2003 further requires that the  
22 voting creditor file a proof of claim in advance of the election. *See* Fed. R. Bankr. P.  
23 2003(b)(3). In accordance with those procedures, it was confirmed that the Voting  
24 Creditors currently hold allowable, undisputed, fixed, liquidated, unsecured claims  
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1 and that each had filed proofs of claim in this case. Debtor's counsel confirmed that,  
2 although the Voting Creditors' claims were initially designated disputed, the Debtor  
3 does not in fact dispute their claims.

4       Thereafter, the UST reviewed written ballots that were emailed to UST's  
5 counsel by Mr. Sklar as proxy for the Voting Creditors. The Voting Creditors  
6 unanimously nominated and voted for Christopher Linscott to serve as Chapter 7  
7 Trustee. No other creditors voted. Creditor Vincent Flaska was given the  
8 opportunity to vote but declined to do so. Copies of the Voting Creditors' ballots are  
9 attached hereto as Exhibit A.  
10

11       In determining whether Mr. Linscott's election satisfied Bankruptcy Code  
12 Section 702, the UST determined that the Voting Creditors collectively hold claims  
13 amounting to more than 20% of total outstanding unsecured claims. According to  
14 Amended Schedule F filed at Docket Entry #82, the total outstanding unsecured  
15 debt is \$1,365,830. The total amount of claims held by the Voting Creditors is  
16 \$954,436, which represents more than 69% of the scheduled unsecured claims.  
17

18       After making the foregoing determinations, UST's counsel asked whether any  
19 parties in attendance had any objection to the election request, to the eligibility of  
20 the Voting Creditors to make such request or to vote for a trustee, or to the  
21 eligibility of Mr. Linscott to serve as Chapter 7 Trustee. There were no objections.  
22

23       The foregoing constitutes the UST's report that the election of a Chapter 7  
24 Trustee in the above-captioned case was conducted without any objections and that  
25 Christopher Linscott was unanimously voted as the Chapter 7 Trustee pursuant to  
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1 Bankruptcy Code Section 702. Trustee Nowak will remain as the *interim* trustee  
2 until such time as Mr. Linscott files a bond as determined to be adequate by the  
3 United States Trustee as required by Bankruptcy Code Section 322(a) .

4 RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of December, 2020.  
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6 ILENE J. LASHINSKY  
7 United States Trustee  
8 District of Arizona

9 /s/ JAG (NY #2520005)

10 JENNIFER A. GIAIMO  
11 Trial Attorney  
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Kasey Nye  
Debtor's Attorney  
Email: [knye@waterfallattorneys.com](mailto:knye@waterfallattorneys.com)

Vincent Flaska  
President, Forklift Exchange  
Email: [vflaska@icloud.com](mailto:vflaska@icloud.com)

Trudy Nowak  
Interim Chapter 7 Trustee  
Email: [tnowak@bklaws.com](mailto:tnowak@bklaws.com)

Christopher Linscott  
Elected Chapter 7 Trustee  
Email: [clinscott@keeganlinscott.com](mailto:clinscott@keeganlinscott.com)

/s/ Jennifer A. Giaimo

**BALLOT FOR ELECTION OF CHAPTER 7 TRUSTEE****CREDITOR INFORMATION:**

NAME ~~Jeffrey Sklar~~ BMR III, L.P. Phone Number: 520-838-7742  
 Address One South Church Ave, Suite 2000, Tucson, AZ 85701  
c/o Jeffrey Sklar

1. Your connection to the creditor (your own claim as an individual/company officer/by way of formal proxy/etc.): special power of attorney, counsel of record

2. Amount of Claim:

\$330,912.38

3. Is the claim a priority claim? No

4. Is claim secured by collateral? No

a. If yes, briefly describe the nature of the collateral \_\_\_\_\_

b. If yes, how much of your claim, in dollars, is secured? \_\_\_\_\_

5. Is your claim scheduled on the debtor's schedules? Yes

a. If so, is it accurate? No

6. Have you filed a proof of claim with the Bankruptcy Court? Yes

a. If so, when? February 21, 2018

**CALL FOR ELECTION:**

Do you call for the election of a chapter 7 trustee? (yes/no) Yes

**NOMINATION:**

Do you nominate a chapter 7 trustee candidate? (yes/no) Yes

If yes, who do you nominate? Christopher Linscott

What is the address of your nominee? 3443 N. Campbell Ave., Suite 115  
Tucson, AZ 85719

**BALLOT FOR ELECTION OF CHAPTER 7 TRUSTEE****CREDITOR INFORMATION:**NAME ANC Orchard, LLC Phone Number: 520-838-7742Address One South Church Ave, Suite 2000, Tucson, AZ 85701  
c/o Jeffrey Sklar1. Your connection to the creditor (your own claim as an individual/company officer/by way of formal proxy/etc.): special power of attorney, counsel of record

2. Amount of Claim:

\$149,672.903. Is the claim a priority claim? No4. Is claim secured by collateral? No

a. If yes, briefly describe the nature of the collateral \_\_\_\_\_

b. If yes, how much of your claim, in dollars, is secured? \_\_\_\_\_

5. Is your claim scheduled on the debtor's schedules? Yesa. If so, is it accurate? No6. Have you filed a proof of claim with the Bankruptcy Court? Yesa. If so, when? February 21, 2018**CALL FOR ELECTION:**Do you call for the election of a chapter 7 trustee? (yes/no) Yes**NOMINATION:**Do you nominate a chapter 7 trustee candidate? (yes/no) YesIf yes, who do you nominate? Christopher LinscottWhat is the address of your nominee? 3443 N. Campbell Ave., Suite 115  
Tucson, AZ 85719

**BALLOT FOR ELECTION OF CHAPTER 7 TRUSTEE****CREDITOR INFORMATION:**NAME The Morgan Rose Ranch, LP Phone Number: 520-838-7742Address One South Church Ave, Suite 2000, Tucson, AZ 85701  
c/o Jeffrey Sklar1. Your connection to the creditor (your own claim as an individual/company officer/by way of formal proxy/etc.): Special power of attorney, counsel of record

2. Amount of Claim:

\$ 473,850.333. Is the claim a priority claim? No4. Is claim secured by collateral? No

a. If yes, briefly describe the nature of the collateral \_\_\_\_\_

b. If yes, how much of your claim, in dollars, is secured? \_\_\_\_\_

5. Is your claim scheduled on the debtor's schedules? Yesa. If so, is it accurate? No6. Have you filed a proof of claim with the Bankruptcy Court? Yesa. If so, when? February 21, 2018**CALL FOR ELECTION:**Do you call for the election of a chapter 7 trustee? (yes/no) Yes**NOMINATION:**Do you nominate a chapter 7 trustee candidate? (yes/no) YesIf yes, who do you nominate? Christopher LinscottWhat is the address of your nominee? 3443 N. Campbell Avenue, Suite 115  
Tucson, AZ 85719